

Paternity leave

1. Entitlement

- 1.1 HEFCW has statutory obligations to provide paternity leave and statutory paternity pay (SPP). These arrangements are subject to change in line with legislation.
- 1.2 Paternity leave can apply to an employee in the following circumstances:
- upon the birth of a partner's child;
 - upon the joint adoption of a child.

2. Paternity leave – birth

- 2.2 Where an employee has one or more year's continuous service by the end of the fifteenth week before the expected week of childbirth (EWC) they are entitled to a maximum of 15 days full pay paternity leave. This can be taken in either one, two or three complete weeks of leave.
- 2.3 Where an employee has more 26 weeks continuous service, but less than one year, by the end of the fifteenth week before the EWC, they are entitled to two weeks paternity leave paid at the statutory rate. These two weeks must be taken consecutively.
- 2.4 If an employee has less than 26 weeks service, they will not be entitled to paternity leave or pay.
- 2.5 The purpose of paternity leave is to support the child's mother/civil partner and to care for the child. To qualify the employee must be:
- married/ in a civil partnership or be the partner of the child's other parent (not necessarily the biological father of the child) and have or expect to have main responsibility for the upbringing of the child.
- 2.6 To evidence their entitlement, the employee must provide a MATB1 form and include the following details on the electronic special leave form:
- the EWC of the child's birth;
 - or if the birth has already occurred, the date of the child's birth;
 - the length of the period of paternity leave to be taken;
 - the date on which the employee's paternity leave will begin; and
 - a declaration by the employee that they meet the relevant relationship conditions.
- 2.7 This form must be submitted before the fifteenth week before the EWC or as soon as possible.

3. Paternity leave – adoption

- 3.1 Where an employee has no less than one year continuous service by the week in which they are matched with a child (matching date) they are entitled to a maximum of 15 days full pay paternity leave. This can be taken in either one, two or three complete weeks of leave.
- 3.2 Where an employee has no less than 26 weeks continuous service by the week in which the matching date falls, they are entitled to two weeks paternity leave paid at the statutory rate. These two weeks must be taken consecutively.

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- 3.3 The purpose of paternity leave is to support the child's adopter and to care for the child. To qualify the employee must also either:
- be married/ in a civil partnership or be the partner of the child's adopter and have main responsibility for the upbringing of the child; or
 - be jointly adopting the child.
- 3.4 To evidence their entitlement, the employee must provide a letter from the adoption agency or the matching certificate and complete an SC4 form (available in HR) along with providing the following details on the electronic special leave form:
- the date on which the child is expected to be placed; or
 - if the placement has already occurred, the date of the child's placement;
 - the length of the period of paternity leave to be taken;
 - the date on which the employee's paternity leave will begin; and
 - a declaration by the employee that they meet the relevant relationship conditions.
- 3.5 This form must be submitted no more than seven days after the co-adopter or partner has been matched with a child, or as soon as possible.

4. Statutory pay – birth and adoption

- 4.1 Where an employee will be paid statutory paternity pay, this will be at either the fixed weekly rate (which can be found on the Government website) or 90% of their weekly earnings (whichever is lower).
- 4.2 This will be paid into the employee's bank account on the same day as normal salary payment and is subject to deductions of tax, national insurance and pensions contributions.

5 Submission process – birth and adoption

- 5.1 Following submission of the request forms, the employee will meet with HR to confirm that they understand:
- their paternity leave entitlement;
 - their entitlement to payment during paternity leave;
 - their right to return to work along with flexible working arrangements.
- 5.2 The paternity leave must be taken within 56 days of the child's date of birth or date of placement.
- 5.3 If the employee wishes to start their paternity leave on the date the child is born/ placed but are in work on that date, the leave period will start the following day.
- 5.4 An employee can amend the start date and length of paternity leave. They should provide at least 28 days' notice in writing before the original start date, and be within the rules above.
- 5.5 An employee will receive the same amount of leave if their partner has a multiple birth/ adoption (e.g. twins).

6 Terms and conditions during paternity leave – birth and adoption

- 6.1 An employee who is absent on paternity leave maintains their contractual terms and conditions of employment and continuity of employment is preserved. Pension contributions will be made based on the level of paternity pay as detailed above.
- 6.2 Annual leave will continue to accrue at the contractual rate. Should an employee wish to take annual leave following the paternity leave, this must be approved by the line manager. Any Bank Holidays that have occurred during paternity leave will be accrued and the time added on to the employee's annual leave balance on return to work.
- 6.3 Employees have the right to return to work on terms and conditions no less favourable than received before the leave period.

7 Additional Paternity Leave – birth and adoption

- 7.1 The employee is entitled to take Additional Paternity Leave (APL) where the mother/civil partner has ended their maternity/ adoption leave and have returned to work. Periods of annual leave, sick leave or parental leave which directly follows the end of maternity/adoption leave will not count as return to work.
- 7.2 APL must be taken:
- as one continuous period;
 - in full weeks; and
 - for a period of between two and 26 weeks.
- 7.3 Leave can be taken any time from 20 weeks after the child is born but it must have finished by the child's first birthday. In the case of adoption it can start anytime between 20 weeks and 52 weeks after the child starts living with the adopter.
- 7.4 To qualify for additional paternity leave, the employee must provide notice in writing at least eight weeks before the start of the leave, detailing the following:
- expected date of the baby's birth/date of notified of being matched for adoption;
 - actual date of the baby's birth or placement of adoption;
 - start date of the APL;
 - relationship to the mother/partner;
 - purpose of the leave is to care for the child.

8 Additional Paternity Leave Pay – birth and adoption

- 8.1 Additional Statutory Paternity Pay is only payable to an employee during the period of the mother/partner's 39 week statutory maternity allowance/statutory adoption pay period.
- 8.2 To qualify for Additional Statutory Paternity Pay, the mother/partner must have returned to work and any relevant payment must have been stopped, with at least two weeks of the 39 weeks payment period for maternity/adoption leave remaining. The employee is then entitled to receive the remaining balance of the maternity/ adoption pay.

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8.3 As paid Additional Paternity Leave is only applicable in the above circumstance, it must be specified within the eight week notice letter that the mother/partner has returned to work within two weeks of the 39 week period, and therefore the employee is entitled to Additional Statutory Paternity Pay.

9 Records

9.1 HR will be responsible for keeping records relating to paternity leave on the HR/Payroll database for future reference.

10 Additional information

10.1 HR will provide further information that may not be covered by this policy.

Version	Date	Description
0.1	N/A	Inherited policy
0.2		Policy updated in line with legislation
2.0	Feb 08	Policy updated with style guide, OD, IS control table and equality impact assessment
3.0	June 11	Policy update in line with legislation
4.0	August 14	Updated in line with policy review project
4.1	Sept 14	Approved by Management Board with no amendments
4.2	Nov 14	Approved at Works Council following staff consultation
4.3	March 15	Approved at HR Committee
4.4	Aug 15	Impact Assessment
5.0	Oct 15	Minor amendments following Impact Assessment